

EXHIBIT A

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

ATTORNEY NO. 18404

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, LAW DIVISION

ONA' M. JOHNSON,

Plaintiff,

vs.

Court No. 2021 L

PANERA, LLC,

Defendant.

C O M P L A I N T

NOW COMES Plaintiff, ONA' M. JOHNSON, by her attorneys, ROBERTSON & WALL, and complaining of Defendant, PANERA, LLC, a Delaware company, alleges as follows:

1. That on or about October 15, 2019, and at all times herein mentioned, Defendant, PANERA, LLC, did own, operate, and manage a restaurant, known as PANERA BREAD, located in in Homewood, Cook County, Illinois; that PANERA, LLC, set policies for the preparation and delivery of food to customers of its various restaurants.
2. That on or about October 15, 2019, Plaintiff, ONA' M. JOHNSON, ate food prepared by agents, servants or employees of Defendant, PANERA, LLC. At all times herein JOHNSON mentioned was in the exercise of all due care and caution for her own health and safety.
3. That on the date aforesaid, Defendant, PANERA, LLC, through its servants, agents or employees, did prepare and deliver food ordered by Plaintiff to her, to wit: a tuna sandwich.
4. That at said time and place Defendant owed a duty to exercise reasonable care and caution in the preparation and delivery of foodstuffs to customers and the operation and management of said restaurant, so that persons including plaintiff would not be injured by consumption of PANERA food.
5. That PANERA included a wooden toothpick in the tuna sandwich, with no notice to Plaintiff that said toothpick was within the sandwich; that said toothpick was not visible to the person who intended to eat the sandwich.
6. That in violation of its legal duty, PANERA, LLC, through its agents, servants or employees, acted or failed to act in one or more of the following ways, amounting to negligence:

- A. Failed to prepare and deliver food to Plaintiff such that said food was safe for her to consume;
- B. Failed to warn Plaintiff that said food, a sandwich, contained a toothpick;
- C. Failed to mark said toothpick in any manner so as to warn the consumer of its presence within the sandwich;
- D. Failed to use a "frilled" toothpick so as to warn the consumer of its presence within the sandwich;
- E. Failed to use "frilled" toothpicks so as to prevent the toothpick from wholly entering the sandwich;
- F. Otherwise carelessly, negligently and improperly operated, maintained, controlled, and managed said restaurant and food delivery service.
7. That Defendant knew, or in the exercise of reasonable care ought to have known, that the said sandwich was not safe for the consumer, plaintiff herein.
8. That as a direct and proximate result of one or more or all of the foregoing wrongful acts or omissions on the part of Defendant, by its employees, Plaintiff did eat said food prepared by Defendant's agents, servants and employees and did then and there consume the toothpick inserted in the sandwich by Defendant; she thereby directly sustained serious, severe and permanent injuries to her body; suffered and will continue to suffer great mental and physical pain and anguish; and has been kept from attending to her usual occupation and affairs for an extended period of time.

WHEREFORE, Plaintiff, **ONA' M. JOHNSON**, prays judgment against Defendant, **PANERA, LLC**, a Delaware company, in an amount in excess of \$50,000.00, plus the costs of this action.

ROBERTSON & WALL

By: 

Attorneys for Plaintiff

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AFFIDAVIT REGARDING DAMAGES SOUGHT

NOW COMES Plaintiff, ONA' M. JOHNSON, by her attorneys, ROBERTSON & WALL, your affiant, pursuant to ISCR 222, and being first duly sworn under oath, states as follows:

1. That your affiant is one of the attorneys of record for the plaintiff in this matter.
2. That the reasonable value of the total money damages sought in this civil action exceeds \$50,000.00.



DAVID H. ROBERTSON, JR.

[X] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

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